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BEFORE THE  
**Federal Communications Commission** APR 30 1993  
 WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

In the Matter of: )

Amendment of Section 73.202(b), )  
 The Table of Allotments, FM )  
 Broadcast Stations. )  
 (Provincetown, Massachusetts) )

MM Docket No.  
 RM -

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To: The Commission )

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PETITION FOR RULE MAKING

1. Lower Cape Communications, Inc., licensee of non-commercial FM station WOMR, Channel 220A, at Provincetown, Massachusetts, referred to herein as PETITIONER, respectfully petitions the Commission to amend Section 73.202(b) of the Commission's Rules (The Table of FM Allotments) so as to make FM Channel 221 available as a Class A FM assignment at Provincetown, Massachusetts and to specifically reserve the allocation for non-commercial use. PETITIONER further requests the Commission to modify the WOMR license to specify operation on Channel 221A rather than Channel 220A and to issue an Order requiring WOMR to change from Channel 220A to Channel 221A.

2. WOMR is the only broadcast facility licensed to Provincetown, Massachusetts. For over a decade, WOMR has presented programming responsive to the diverse cultural needs of Provincetown and other communities on Cape Cod and now seeks to improve its signal to

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better serve the area. Provincetown, however, is located on the outer edge of the 47 dbu service contour of Channel 6 television station WLNE in New Bedford, Massachusetts. WOMR is therefore precluded by the provisions of Section 73.525 of the Rules from operating on Channel 220 with full Class A facilities using a non-directional circularly polarized antenna. Further, WOMR is required to protect co-channel station WUMB in Boston, Massachusetts against interference and is therefore limited on Channel 220 to a non-directional power of approximately 1.0 kilowatt from an antenna 100 meters above average terrain.

3. As illustrated in this paragraph, assignment of Channel 221A to Provincetown, Massachusetts will be in full compliance with all mileage spacing requirements set forth in Section 73.207 of the Commission's Rules. The spacing study was based on the following geographic coordinates:

42	03'	54"	North Latitude
70	09'	34"	West Longitude

The reference coordinates describe the present WOMR licensed transmitter site on Mount Gilboa in Provincetown, Massachusetts. Table 1 on the following page demonstrates full compliance with the spacing requirements contained in Section 73.207 of the Commission's Rules.

Table 1  
Compliance With Section 73.207 Spacing Requirements

<u>Channel</u>	<u>Station</u>	<u>Location</u>	<u>Distance in km</u>	
			<u>Actual</u>	<u>Required</u>
218A	WSDH	Sandwich, MA	43.8	31
220A	WUMB	Boston, MA	74.7	72
220A	App.	Falmouth, MA	62.0	72*
222B	WPRO-FM	Providence, RI	112.7	113**
224A	WMVY	Tisbury, MA	79.2	31

\* This application, BPED-930114MC tendered by the University of Massachusetts at Boston, is listed for cutoff on May 3, 1993 (See list A-250.) The instant Petition is timely filed with respect to the Falmouth cutoff date and is mutually exclusive with application BPED-930114MC.

\*\* 112.7 kilometers rounds to 113 kilometers per FCC policy.

4. Assignment of Channel 221A to Provincetown and modification of the WOMR license to operate on Channel 221A rather than Channel 220A will have no preclusionary effect on the use of Channel 221A nor on the potential use of non-commercial Channels 218, 219, and 220. WOMR's current operation on Channel 220, combined with spacing requirements to WPRO-FM, Channel 222B, precludes the use of Channel 221A anywhere in Southeastern New England. By moving WOMR from Channel 220 to Channel 221, Channel 219 will be opened for potential use on the lower portions of Cape Cod. Although this Petition is mutually exclusive with an application to use Channel 220A in Falmouth, Massachusetts, that application will already be mutually exclusive with an application to be filed by WOMR to improve its Channel 220 facilities on a directional basis. The proposed allocation will therefore have no preclusive effects.

5. PETITIONER represents that if the proposed changes in the Table of FM Allotments are made as requested and FM Channel 221A is assigned to Provincetown, Massachusetts, that WOMR will promptly comply with the Commission's order to operate on Channel 221A rather than Channel 220A.

Respectfully submitted,  
LOWER CAPE COMMUNICATIONS, INC.

  
Roger H. Strawbridge  
President, Board of Directors

April 29, 1993

Please address correspondence regarding this Petition to:

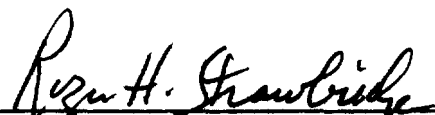
Radio Station WOMR  
c/o Roger H. Strawbridge  
6 Orissa Drive, Box 606  
East Orleans, MA 02643

(508) 255-7671

CERTIFICATE OF SERVICE

I, Roger H. Strawbridge, hereby certify that a copy of the attached Petition for Rule Making will be sent, first class U.S. postage prepaid, to:

Ms. Patricia Monteith  
WUMB-FM Radio  
The University of Massachusetts  
100 Morrissey Blvd.  
Boston, Massachusetts 02125  
(Applicant in BPED-930114MC)

A handwritten signature in cursive script, reading "Roger H. Strawbridge", is written over a horizontal line.

Roger H. Strawbridge  
April 29, 1993